

**Minutes of the
Unified Planning/Zoning Board of Adjustment
August 5, 2013
7:00 PM**

A regular meeting of the Unified Planning/Zoning Board of Adjustment of the Borough of Matawan, New Jersey, was held at the Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey on August 5, 2013. The meeting was called to order at 7:00 PM by Chairman Kenneth Cassidy presiding. Chairman Cassidy called the meeting to order, pursuant to Section 5 of the Open Public Meetings Act that adequate notice of this meeting has been provided in the notice which was published in the *Asbury Park Press* on January 17, 2013, by sending notice to *The Independent*, and by posting.

Chairman Cassidy requested everyone to stand for the Salute to the Flag.

Chairman Cassidy requested a roll call.

On roll call the following members responded present:

Yes:	Paul Buccellato
Yes:	Rickey Butler
Yes:	Kenneth Cassidy
No:	Thomas Fitzsimmons
Yes:	Angelo Gallego, Jr.
Yes:	John McKenna
Yes:	Robert Montfort
No:	Joseph Saporito
Yes:	Joseph Urciuoli
No:	Rochelle Malanga
Yes:	Andrew Lopez
Yes:	Daniel Acquafredda

Also present were Michael A. Irene Jr., Esq., Planning Zoning Board Attorney and Phil Haderer, Planning Zoning Board Engineer.

Approval of Minutes

Chairman Cassidy requested a motion to approve the minutes of the July 1, 2013 meeting. Mr. McKenna made the motion, seconded by Mr. Buccellato. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes:	Paul Buccellato
Yes:	Rickey Butler
Yes:	Kenneth Cassidy
Yes:	Angelo Gallego, Jr.
Yes:	John McKenna
Yes:	Andrew Lopez
Yes:	Daniel Acquafredda

**Minutes of the
Unified Planning/Zoning Board of Adjustment
August 5, 2013
7:00 PM**

Motion approved

Chairman Cassidy requested a motion to approve the minutes of the June 3, 2013 Executive Session meeting. Mr. Butler made the motion, seconded by Mr. McKenna. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato
Yes: Rickey Butler
Yes: Kenneth Cassidy
Yes: Angelo Gallego, Jr.
Yes: John McKenna
Yes: Andrew Lopez
Yes: Daniel Acquafredda

Motion approved

Resolutions to be memorialized:

1. Janice Peterson – 75 Main Street – Block 8, Lot 8 (*Variance*)

Chairman Cassidy requested a motion to approve the Resolution to deny the variance. Mr. Cassidy made the motion, seconded by Mr. Acquafredda. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Rickey Butler
Yes: Kenneth Cassidy
Yes: John McKenna
Yes: Andrew Lopez
Yes: Daniel Acquafredda

Motion approved

2. Laurdan Realty, LLC – Main & Broad Streets – Block 50, Lot 16 (*Site Plan Application*)

Chairman Cassidy requested a motion to approve the Resolution denying the amendment of the deed restriction and granting Final site plan approval. Mr. Butler made the motion, seconded by Mr. Lopez. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato
Yes: Rickey Butler

**Minutes of the
Unified Planning/Zoning Board of Adjustment
August 5, 2013
7:00 PM**

Yes Andrew Lopez
Yes: Daniel Acquafredda
Motion approved

3. JSM @ Matawan Phase II, LLC – 947-955 Highway 34 – Block 40, Lots 6 & 7 (*Site Plan Application*)

Chairman Cassidy requested a motion to approve the Resolution for preliminary site plan approval. Mr. McKenna made the motion, seconded by Mr. Gallego. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato
Yes: Rickey Butler
Yes: Kenneth Cassidy
Yes: Angelo Gallego, Jr.
Yes: John McKenna
Yes Andrew Lopez
Yes: Daniel Acquafredda
Motion approved

Applicants:

1. 762 Highway 34, LLC – Block 113, Lot 1.05 (*Site Plan Application*)

762 Highway 34, LLC-now 764 Highway 34, LLC

Mr. Irene stated that this matter was carried from the July 1, 2013 meeting without necessity of re-notice.

Revised plans were submitted on July 22, 2013.

The applicant was notified that Mr. Montfort has certified that he listened to a tape of the July 1, 2013 minutes, making him eligible to vote on the application.

Mr. Salvatore Alfieri, Attorney for 762 Highway 34 DaVita Dialysis, LLC, on behalf of the applicant, stated that they were able to address all of Mr. Haderer's concerns regarding parking spaces and the generator. Mr. Haderer, in an 8/2/13 email, said he approved the plans.

As the building is slightly smaller than the one originally proposed; they eliminated four parking spaces. Eighty one stalls are required; they will only have seventy seven and will therefore require a variance.

**Minutes of the
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7:00 PM**

There will be a walkway on the Route 34 side of the building with; the voids will be filled with flush decorative pavers.

Mr. Steve Kontos, owner of the building from Holmdel, NJ was sworn in.

Asked about signage, he replied that there was only one tenant so the sign would be smaller with the company name and address which would conform with the existing daycare on the site. He said there would be no stop sign at the drop off point.

Mr. Charles Surmonte, a Professional Engineer & Land Surveyor from Allenhurst, NJ reported that the roof drain pipes will be to the satisfaction of the ordinance. Site lighting will encompass pole mounted lighting on the perimeter of the property and recessed lighting under the canopy; some bollard lights on the west side will be eliminated.

Mr. Kontos was asked if the trees surrounding the driveway cut on Elizabeth Street would obstruct the view of vehicles entering and exiting. He said they were very high trees and would not. Mr. Cassidy was of the opinion that they should be removed. It was agreed that Mr. Haderer would go to the site and make an opinion.

Mr. Buccellato asked Mr. Haderer if there would be a sound enclosure for the generator. He said they are stand by generators and can be timed to have weekly test run during non offensive hours.

Mr. Montfort wanted to know what the noise level is and was told sixty eight to seventy decibels. He also asked where the HAVAC unit was to be located and was told it would be on the roof. The roof has a six foot parapet which will enclose the units.

Mr. Buccellato and Mr. Montfort both expressed the opinion that this is a very bland, vanilla box of a building and asked Mr. Kontos to talk to his Architect to see if he can break up the boxy look by adding a Mansard to tie in with daycare building.

Mr. King

Mr. Cassidy asked if there were any questioned from the Board or the Public. There were not.

Mr. Alfieri asked if a resolution could be prepared so that they would have an answer at the September meeting.

Mr. Buccellato said no, the Board should see revised plans first.

Chairman Cassidy requested a motion to carry the application to the September 5, 2013 meeting without necessity of re-notice and to grant preliminary site plan approval subject to revised architectural plans and variance for parking. Mr. Montfort made the motion, seconded by Mr. McKenna. Chairman Cassidy requested a roll call vote. A roll call vote was taken.

Yes: Paul Buccellato
Yes: Rickey Butler
Yes: Kenneth Cassidy

**Minutes of the
Unified Planning/Zoning Board of Adjustment
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Yes: Angelo Gallego, Jr.
Yes: John McKenna
Yes: Robert Montfort
Yes: Andrew Lopez
Yes: Daniel Acquafredda
Motion approved

Chairman Cassidy requested a motion to adjourn. Mr. Lopez made the motion, seconded by Mr. McKenna.

The board voted with all members in favor and the meeting was adjourned at 8:00PM.

Respectfully submitted
Nancy Jo Palermo
Recording Secretary